

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

EDDIE HAROLD BILLINGS, Jr.,)	
)	
Plaintiff,)	
)	
vs.)	1:12-cv-1196-TWP-TAB
)	
FBI DEPARTMENT DIVISION,)	
)	
Defendant.)	

Entry and Order Dismissing Action

I.

In a case such as this, where the plaintiff has been granted leave to proceed *in forma pauperis*, the court is authorized to dismiss an action in which the complaint fails to state a claim upon which relief can be granted. 28 U.S.C. ' 1915(e)(2)(B). A complaint falls within this category if it "alleg[es] facts that show there is no viable claim.@ *Pugh v. Tribune Co.*, 521 F.3d 686, 699 (7th. Cir. 2008).

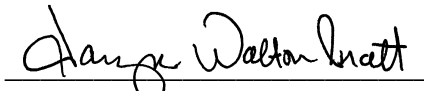
"Absent a waiver, sovereign immunity shields the federal government and its agencies from suit."¹ This explains why the present action, in which an agency of the federal government is named as the defendant, must be dismissed.

II.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 09/14/2012 _____



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

¹ *FDIC v. Meyer*, 510 U.S. 471, 475 (1994); *see also Lewis v. United States*, 492 F.3d 565, 572 (5th Cir. 2007)("In order to hale the federal government into a court proceeding, a plaintiff must show that there has been a valid waiver of sovereign immunity.").

Distribution:

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